

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 00-0505 WHA

v.

SPECIAL VERDICT FORM

CHARLES W. McCALL and JAY M.
LAPINE,
Defendants.

YOU MAY APPROACH THE FOLLOWING QUESTIONS IN ANY ORDER YOU
WISH, BUT YOUR ANSWERS MUST BE **UNANIMOUS**.

1(a). Has the government proven beyond a
reasonable doubt that defendant
Charles W. McCall is guilty of
securities fraud as charged in Count
One?

1(b). Has the government proven beyond a
reasonable doubt that defendant Jay
M. Lapine is guilty of securities fraud
as charged in Count One?

Yes, Guilty _____

Yes, Guilty _____

No, Not Guilty _____

No, Not Guilty _____

United States District Court
For the Northern District of California

1 2. Has the government proven beyond a
2 reasonable doubt that defendant
3 Charles W. McCall is guilty of
4 securities fraud in connection with a
5 false SEC filing for the quarter ended
6 June 30, 1998, as charged in Count
7 Two?

8
9 Yes, Guilty _____

10 No, Not Guilty _____

11
12
13
14 3. Has the government proven beyond a
15 reasonable doubt that defendant
16 Charles W. McCall is guilty of
17 securities fraud in connection with a
18 false SEC filing for the quarter ended
19 September 30, 1998, as charged in
20 Count Three?

21
22 Yes, Guilty _____

23 No, Not Guilty _____

1 4. Has the government proven beyond a
2 reasonable doubt that defendant
3 Charles W. McCall is guilty of
4 securities fraud in connection with a
5 false registration statement as charged
6 in Count Four?
7

8 Yes, Guilty _____

9 No, Not Guilty _____
10
11
12

13 5(a). Has the government proven beyond a
14 reasonable doubt that defendant
15 Charles W. McCall is guilty of
16 falsifying books, records and
17 accounts as charged in Count Five?
18

19 Yes, Guilty _____

20 No, Not Guilty _____
21
22
23
24
25
26
27
28

5(b). Has the government proven beyond a
reasonable doubt that defendant Jay
M. Lapine is guilty of falsifying
books, records and accounts as
charged in Count Five?

Yes, Guilty _____

No, Not Guilty _____

6(a). Has the government proven beyond a
reasonable doubt that defendant
Charles W. McCall is guilty of
circumventing internal accounting
controls as charged in Count Six?

Yes, Guilty _____
No, Not Guilty _____

6(b). Has the government proven beyond a
reasonable doubt that defendant Jay
M. Lapine is guilty of circumventing
internal accounting controls as
charged in Count Six?

Yes, Guilty _____
No, Not Guilty _____

CONCLUSION

ONCE YOU HAVE FINISHED ANSWERING ALL QUESTIONS UNANIMOUSLY,
PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM, THEN CONTACT
THE DEPUTY OR MARSHAL TO INFORM HIM OR HER THAT YOU HAVE
COMPLETED YOUR DELIBERATIONS.

Dated: _____

Foreperson